

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/CS/SB 2578

SPONSOR: Committees on Home Defense, Public Security, and Ports and Transportation and Senator Sebesta

SUBJECT: Secure Airports for Florida Act

DATE: April 21, 2003 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McAuliffe	Meyer	TR	Fav/CS
2.	Dodson	Skelton	HP	Fav/CS
3.	_____	_____	CP	_____
4.	_____	_____	ATD	_____
5.	_____	_____	AP	_____
6.	_____	_____	_____	_____

**I. Summary:**

CS/CS/SB 2578 creates the Secure Airports for Florida’s Economy Council (SAFE) consisting of the directors, or their designees, of 19 commercial service airports; the Secretaries or their designees, of the Department of Community Affairs, the Department of Law Enforcement, and the Florida Department of Transportation (FDOT); the director of the Office of Tourism, Trade, and Economic Development; the executive directors of two general aviation airports; a representative of the general aviation industry; and a representative of the airline industry. The SAFE Council must develop a five-year SAFE Master Plan defining goals and objectives needed to develop airport facilities and an intermodal transportation system. The CS/CS requires the SAFE Council to promulgate rules. The Council must develop a list of projects with recommended funding levels for each.

This CS/CS substantially amends s. 332.007, and creates s. 332.14 of the Florida Statutes.

**II. Present Situation:**

Florida’s 19 commercial airports and 131 public airports receive a combination of federal, state, and local-government funds, as well as revenues generated by fees imposed on airlines and on airport parking and concessions. Airports apply directly to the Federal Aviation Administration (FAA) for federal funding. Typically, the FAA grant pays for 50 percent of an approved project, and FDOT and the local airport each contribute 25 percent.

The primary source of state aviation funds is the aviation fuel tax, which in fiscal year 2001-2002 generated \$50 million, most of which was spent on capital improvement grants. FDOT’s

aviation program also receives State Transportation Trust Fund Revenues, as well as federal aviation funds. The current state aviation budget is \$88 million.

Pursuant to s. 332.007, F.S., FDOT's aviation grants may only be spent on capital improvements, unless an airport submits to the agency a request its Work Program funding be shifted to pay for operating or security-related expenses needed to comply with enhanced federal anti-terrorist regulations. According to FDOT, as of December 2002, 18 airports have asked for and received permission to shift a total of \$28.6 million for security-related projects. This program expires June 30, 2004.

A database compiled by FDOT's Aviation Office with information submitted by Florida airports estimates Florida's airports need an estimated \$500 million to comply with federal security requirements. That is about half of what the airports have indicated in their master plans they need for capital improvements, such as new terminals and runways. On April 16, 2003, President Bush signed the Emergency Wartime Supplemental Appropriations Act, 2003, which provides an appropriation of \$235,000,000 for physical modifications of commercial service airports to install checked baggage explosive detection machines.<sup>1</sup> Funding guidance for this appropriation is forthcoming from the Transportation Security Administration.

### **III. Effect of Proposed Changes:**

Section 322.14, F.S., creates the SAFE Council consisting of the directors, or their designees, of 19 commercial service airports; the Secretaries or their designee, of the Department of Community Affairs, the Department of Law Enforcement, and FDOT; the director of the Office of Tourism, Trade, and Economic Development or his or her designee; the executive directors of two general aviation airports, appointed by the Florida Airports Council; a representative of the general aviation industry appointed by the Florida Aviation Trades Association; and a representative of the airline industry appointed by the Air Transport Association.

The 19 airports to be represented are: Daytona Beach International Airport, Gainesville Regional Airport, Fort Lauderdale-Hollywood International Airport, Jacksonville International Airport, Key West International Airport, Melbourne International Airport, Miami International Airport, Naples Municipal Airport, Okaloosa County Regional Airport, Orlando International Airport, Orlando-Sanford International Airport, Palm Beach County International Airport, Panama City-Bay County International Airport, Pensacola Regional Airport, Sarasota-Bradenton International Airport, Southwest Florida International Airport, St. Petersburg-Clearwater International Airport, Tallahassee Regional Airport, and the Tampa International Airport.

This section provides the SAFE Council members will serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses pursuant to s. 112.061, F.S.

The section further provides the SAFE Council must develop a five-year SAFE Master Plan defining goals and objectives needed to develop airport facilities and an intermodal transportation system. The Master Plan must include recommendations for the acquisition and construction of transportation facilities connecting any airport with another mode of

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<sup>1</sup>149 Congressional Record 60 (April 12, 2003) p. H3378.

transportation, and the acquisition and construction of transportation or aviation facilities designed to protect passengers and crews, enhance international trade and increase airport revenues.

The Master Plan must be updated annually, and submitted by February 1 of each year to the President of the Senate, the Speaker of the House of Representatives, the Office of Tourism, Trade, and Economic Development, the Department of Community Affairs, the Department of Law Enforcement, and FDOT. The CS/CS further directs the SAFE Council to review existing programs in Florida and other states when developing programs for the training of minorities and secondary school students interested in aviation careers. The SAFE Council is authorized to utilize, as authorized by the legislature, any federal, state, and local-government contributions, as well as private donations to fund the Master Plan.

The section requires the SAFE Council to promulgate rules for evaluating projects that may be funded under this act. The SAFE Council must review and approve or disapprove each project eligible to be funded under the SAFE Program.

The Department of Community Affairs is required to review the SAFE Council project list to determine a projects' consistency with local government comprehensive plans. FDOT is required to review the project list to determine whether the projects are in the Five-Year Work Program, or if not, are necessary to provide for projected movement of cargo or passengers from an airport to a state transportation facility or local road. The Department of Law Enforcement is required to review the list of council approved projects to ensure consistency with statutory domestic security provisions and to identify projects determined to be inconsistent with the state's domestic security strategic plan. The Office of Tourism, Trade, and Economic Development must review the project lists to determine economic benefits of the project and if the projects are consistent with SAFE's Mission Plan.

The section requires the SAFE Council to create bylaws and address certain administrative matters, including hiring administrative staff whose expenses are shared by the airports.

#### **IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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